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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,062	07/29/1999	DAVID CHARLES VIANO	DP-300298	7639

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EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/363,062

Applicant(s)

VIANO ET AL.

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Acknowledgment

1. Receipt of the request for a reconsideration filed 6/12/03 has been acknowledged and entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23, 24, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama et al. (5,575,497) in view of Sutherland (6,123,355).

Suyama discloses air bags (figure 7c) which are stitched together (col 6 – 5-13) and are mounted on the roof of the vehicle, wherein the airbags are adapted to be inflated and extend downward and sideways in a lateral direction in front of an occupant seated in the vehicle.

Suyama lacks the teaching of a single airbag that deploys downward and sideway to protect the occupant.

Suyama (5,575,497 col 1 lines 65-68) teaches that the front and side of the occupant can be held by a single air bag so as to reduce number of parts, size of the airbag and in manufacturing cost.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbags device of Suyama as taught by

Suyama to use a single airbag to protect the front and side of the occupant. Such modification would provide a reduction in number of parts, in size of the airbag, and in manufacturing cost.

(Modified) Suyama lacks the teaching that the air bag is mounted solely to the A pillar.

Sutherland teaches the mounting of the air bag on the A-pillar as an alternative to mounting the air bag along the headliner over the window (col 2 - lines 28-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag mounting arrangement of (Modified) Suyama as taught by Sutherland to mount the air bag on the A-pillar so as to provide an alternative location to mount the air bag beside the roof or the headliner over the window.

With respect to claim 23, it is inherent that some type of trim molding is used to cover the air bag and would be displaced during the deployment of the frontal air bag.

With respect to claims 24 and 30-32, (modified) Suyama as modified by Sutherland discloses all of the claimed limitations.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama as modified by Sutherland and further in view of Wipasuramonton et al. (5,615,909).

(Modified) Suyama as modified by Sutherland is disclosed above but lacks the teaching of a neck portion of the air bag that is connected to at least one panel.

Wipasuramonton discloses a neck portion for the air bag so as to provide better angle of deployment (figure 6).

Based on the teaching of Wipasuramonton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the neck portion to the air bag system of (modified) Suyama as modified by Sutherland so as to provide better angle of deployment for the air bag.

4. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama as modified by Sutherland, and further in view of Boerger (6,050,596).

(Modified) Suyama as modified by Sutherland is disclosed above but silence about the diffuser.

Boerger teaches an air bag safety device with a hollow diffuser tube to help control/distribute the air pressure.

Based on the teaching of Boerger, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of (modified) Suyama as modified by Sutherland to include the diffuser of Boerger so as to provide the air bag device with a means to control/distribute the air pressure.

5. Claims 22, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama as modified by Sutherland and further in view of Yamada (5,884,937).

(Modified) Suyama as modified by Sutherland is disclosed above but silence with the remote inflator.

Yamada teaches an air bag device with the inflator remotely mounted to the vehicle structure so as to eliminate the restriction of the inflator sizes.

Based on the teaching of Yamada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag device of (modified) Suyama as modified by Sutherland to include the remote inflator feature of Yamada so as to eliminate the restriction of inflator sizes due to the lack of space in the pillar to accommodate the inflator.

With respect to claims 28 and 29, (modified) Suyama as modified by Sutherland and Yamada discloses all of the claim limitations.

Response to Arguments

6. Applicants' arguments filed 6/12/03 have been fully considered but they are moot in view of new combination of rejection.

The applicants argue that "Suyama does not disclose a frontal air bag for mounting solely to a front pillar of a vehicle to deploy downward and sideways in a lateral direction in front of an occupant". Applicants are correct in that Suyama lacks the teaching of mounting the airbag system solely to a front pillar of the vehicle, specifically, the A pillar. But (modified) Suyama reference clearly shown a teaching for using a single frontal air bag (col 1 lines 63-67) that can be mounted on the roof of the vehicle and it would be obvious that the roof mounted air bag of Suyama and during deployment would extend downward from the roof and side way in the lateral direction to protect the occupant as recited in claims 21 and 33. Sutherland on the other hand has **clearly stated that the air bag system can alternatively be mounted on the A-pillar** as suppose to mounting the air bag along the headliner over the window. Such

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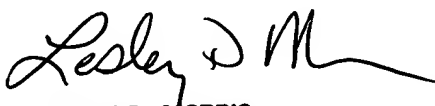
teaching is clear and it would be obvious to modify Suyama to include this teaching to provide an alternative location to mount the air bag beside the roof or the headliner over the window as stated in paragraph 2 above.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

**TONY WINNER
PATENT EXAMINER**


**LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**

September 5, 2003